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**Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities**

## Note verbale dated 31 March 2004 from the Permanent Mission of Armenia to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Armenia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, and with reference to his note of 10 March 2004, has the honour to forward the attached report pursuant to Security Council resolution 1455 (2003) (see annex).

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**Annex to the note verbale dated 31 March 2004 from the Permanent Mission of Armenia to the United Nations addressed to the Chairman of the Committee**

# Report of the Republic of Armenia pursuant to Security Council resolution 1455 (2003)

## I. Introduction

**1. Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.**

No data have been received so far regarding activities of Usama bin Laden, Al-Qaida, the Taliban and their associates on the territory of Armenia. Considering the small number of Muslim population in Armenia there are no Islamic religious or charitable foundations operating in the country that might be associated with Al Qaida or Taliban. Nevertheless, the geographic location and the possibility of the existence of Al Qaida and Taliban and their associates in some of its neighbouring countries make the campaign against terrorism an urgent priority for the authorities of Armenia. The Government is aware of the threats to international peace and security caused by terrorism, and has adopted the necessary measures to comply with the Security Council resolutions. In this regard, the Government of Armenia actively collaborates with the Counter-Terrorism Committee, with a view to providing information regarding domestic measures to implement the Security Council resolutions on terrorism in an effective manner.

## II. Consolidated List

**2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?**

The Ministry of Foreign Affairs systematically submits the updated Consolidated List to the competent authorities – Police, National Security Service, National Bank, National Border Guard Service etc. – which further transmit the information to all their relevant bodies.

**3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.**

No problems have been observed by the competent Armenian authorities during the implementation with regard to the names and identifying information currently included in the List.

**4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.**

In accordance with the information provided by the Police, National Security Service and Office of Prosecutor General and other competent authorities of Armenia, to date, no individuals or entities included in the consolidated list have been identified on the territory of Armenia.

**5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.**

No data are available about any individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida.

**6. Have any listed individuals or entities brought lawsuit or engaged in legal proceedings against your authorities for inclusion in the List?**

No lawsuit has been brought or legal proceedings initiated against the official authorities in Armenia by any of the listed individuals or entities.

**7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.**

None of the listed individuals has been identified as nationals or residents of Armenia. No information is available about individuals not already included in the List.

**8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals**

**from participating in Al-Qaida training camps established in your territory or in another country.**

According to the *Criminal Code* of Armenia, the formation, leading of and participation in the armed gangs (Article 222), the formation, leading of and participation in the illegal armed groups (Article 224), the mercenarism (Article 395) are criminally punishable acts.

More detailed information has been provided in the first (S/2002/162), second (S/2003/146) and third (S/2003/1044) reports of Armenia to the Counter-Terrorism-Committee. Please, see also the pages 7-8 of third report (S/2003/1044).

## III. Financial and Economic Assets Freeze

**9. Please describe briefly:**

**• the domestic legal basis to implement the asset freeze required by the resolutions above;**

**• any impediments under your domestic law in this context and steps taken to address them.**

Law on the Central Bank, Law on Banks and Banking and Law on Credit Institutions grant the Central Bank of Armenia an authority to freeze the accounts of the persons suspected in flow of illegal assets or financing of terrorism. According to the Regulation No.5 "Safeguarding Banks and Credit Organisations from Circulation of Criminally Obtained Funds and Prevention of Financing of Terrorism", the banks or credit organisations should report to the Central Bank within one working day if the account owners or a party involved in banking operations are suspected in flow of illegal assets or financing of terrorism.

More detailed information has been provided in the second (S/2003/146) and third (S/2003/1044) reports of Armenia to the Counter-Terrorism-Committee.

**10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction.**

**Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.**

The fight against international terrorism is carried out by a specialised operational unit within the National Security Service. A special attention is attached to the identification of terrorist-related financial networks, individuals, or entities associated with them. With this aim, appropriate cooperation is carried out with the relevant authorities in Armenia, the CIS Counter-Terrorism Centre as well as with other foreign partners.

**11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of Al-Qaida or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.**

According to the *Regulation No.5 "Safeguarding Banks and Credit Organisations from Circulation of Criminally Obtained Funds and Prevention of Financing of Terrorism"* adopted by the Central Bank, the circulation of criminally obtained funds and sources for funding terrorism in banks or credit organizations is prohibited. Banks and credit organization must have internal regulations (rules, procedures, orders, regulations) in place for preventing circulation of criminally obtained funds and sources for funding terrorism as well as for due diligence to record and keep information on customers, and to collect, record and maintain information on suspicious transactions.

Such internal regulations shall define:

a) the procedures required to perform by bank or credit organization units and employees in carrying out financial and other operations with bank or credit organization customers, creditors or partners;

b) the information the bank or credit organization would require from customer, creditor or partner in carrying out financial and other operations;

c) the procedure and conditions of exercising control over adherence to procedures and requirements set forth in internal regulation;

d) the scope of responsibility of bank management, staff and authorized unit or employee, for non-adherence to procedures and requirements set forth in internal regulations, under Armenian Law and bank's internal regulations.

Banks and credit organizations must have assigned a unit (e.g. legal or security department) or an employee, to deal with prevention of circulation of criminally obtained funds and sources for financing of terrorism.

Information collected by bank or credit organization on customer, creditors or partners, and other such data relating to suspicious transactions carried out by such customers shall be held by bank or credit organization in paper-based and/or electronic means at least for a five year period.

If a customer, creditor or partner acts as an agent, representative or an authorized party for another person, bank or credit organization must identify the true beneficiary of that banking account and verify the information relating to such agent, representative or authorized party, as required by its internal procedures. Such an account may be established once required information is obtained and appropriate records are made. If a customer, creditor or partners is a legal entity registered and/or operating in an offshore country or area, or a party with a non-legal entity status, or a sole entrepreneur, the bank or credit organization must identify sources of income of such parties, as required by its internal procedures.

Banks and credit organization must, in internally defined frequency and manner, verify information that has been required from customers, creditors or partners in concluding financial or other operations.

On the decision of the Central Bank, banks and credit organizations must halt the operations carried out through the accounts the owners of which are suspected in circulation of criminally obtained funds or funding for terrorism.

**12. Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities." Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Please include, to the extent possible, in each listing the following information:**

**• identification(s) of the person or entities whose assets have been frozen;**

**• a description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);**

**• the value of assets frozen.**

No assets have been revealed or frozen pursuant to resolution 1455 (2003) as well as resolutions 1267 (1999), 1333 (2000) and 1390 (2002) in Armenia.

**13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.**

No funds, financial assets or economic assets had previously been frozen as being related to Usama Bin Laden or members of the Al-Qaida or the Taliban or associated individuals or entities in Armenia.

**14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:**

**• The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of Al-Qaida or the Taliban. This section should include an indication of the types of institutions informed and the methods used.**

**• Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.**

**• Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.**

**• Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.**

**• Restrictions or regulations, if any, applicable to alternate remittance systems such as -- or similar to -- "hawala", as well as on charities, cultural and other non-profit organizations**

**engaged in the collection and disbursement of funds for social or charitable purposes.**

Bank or credit organizations must report on suspicious transactions to the bank supervision unit of the Central Bank not later than the banking day following occurrence of the suspicious transaction. More detailed information has been provided in the first (S/2002/162), second (S/2003/146) and third (S/2003/1044) reports of Armenia to the Counter-Terrorism-Committee.

## IV. Travel Ban

**15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.**

The National Border Guard Service implements the border control at entry and exit of Armenian and foreign nationals from and into the territory of the country and the Police exercises administrative control over the stay of foreigners in Armenia.

The National Security Service upon the information received from Armenian state agencies and foreign counterparts maintains the database to prevent the persons connected to terrorist activities or wanted persons from entering into Armenia. The individuals that have been included in the information database are denied of visas, or entry into the country. Regularly updated lists are forwarded to the relevant agencies – including the National Border Guard Service, Passport and Visa Department of Police, Consular Department of the Ministry of Foreign Affairs.

**16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.**

The Consolidated List has been incorporated into the border checkpoints list and other databases of the relevant state agencies including the one maintained by the National Security Service. In this regard no problems have been encountered.

**17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?**

The updated List is transmitted to the relevant authorities on a quarterly basis, in conformity with its updates by the Security Council.

Nonetheless, since not all border check points have online connections, searching data by electronic means is not possible at all entry points.

**18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.**

No individuals designated in the consolidated list have been detected at any of Armenia's border checkpoints.

**19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?**

The Passport and Visa Department of Police and the Consular Department of the Ministry of Foreign Affairs coordinate their work in relation to the issuance by the Ministry of consular visas and residence permits. Accordingly, the Consular Department of the Ministry of Foreign Affairs has access to the restrictive database mentioned above.

No visa applicant was identified by the visa-issuing authorities of Armenia as individuals included in the 1267 Committee List.

## V. Arms Embargo

**20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?**

The relevant legislation, effective export and license controls are in place in Armenia for the prevention of the direct or indirect sale or transfer of arms, related materials and spare parts to the members of international terrorist organizations (including Usama Bin Laden, members of Al-Qaida organization and the Taliban) by the citizens of Armenia from Armenia or other country. Particularly, the manufacture, sale, transfer and possession of arms and armaments on the territory of Armenia as well as any transaction in weapons are regulated by the *Law on Arms* and *Regulation on Licensing in Armenia* and falls within the

authority of the Government, the Ministry of Interior, Administration of Statistics and Certification.

The import and export of civil and service weapons and ammunitions are subject to special permission of the republican body of Police. The import of arms and armaments is carried out by juridical entities with special license for the sale of arms and armaments, while the export is carried out by the juridical entities with special license for the manufacture of arms and armaments. The import and export of arms and armaments by other entities could be executed only in accordance with special procedure established by the Government.

*For additional information please see answers to the questions under subparagraph 2(a) of the second report of Armenia to the Counter-terrorism Committee (S/2003/146).*

**21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them?**

The violation of the arms embargo constitutes a crime within the meaning of the Penal Code. Thus, Article 234 incriminates the illegal acquisition, sale, transfer and holding of the arms, armament, explosives, while Article 234 incriminates the illegal circulation of radioactive materials.

No special measures have been adopted specifically for Usama Bin Laden, the members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them.

**22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.**

As it was mentioned above, according to the *Law on Arms* and *Regulation on Licensing in Armenia*, the import and export of arms and armament is subject to a special permission and licensing by the Police. Only juridical entities meeting the set requirements of reliability and stability are eligible to be licensed. In practice it is impossible to issue licences to companies which are in any way related to terrorist activities or support or finance such activities.

**23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by**

**Usama bin Laden, members of Al-Qaida organization and the Taliban and other individuals, groups, undertakings and entities associated?**

Please refer to the answer to question 20.

## VI. Assistance and conclusion

**24. Would your state be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.**

The Government of Armenia stands ready to provide assistance to other States, from the perspective of sharing available information on the matter.

**25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.**

The Taliban/al-Qaida sanctions regime is implemented in full, in conformity with the principles of the Armenian legislation and relevant international law. No areas of incomplete implementation were identified.

No specific assistance is required for the implementation of the above-mentioned sanctions regime except the general assistance for the capacity building for effective counter-terrorist campaign. The list of assistance needed is currently updated and would be included in the fourth report of Armenia to the Counter-Terrorism-Committee.